

REMARKS

In the Office Action dated October 22, 2003, claims 1, 9, 15 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ramsden, Lemelson, Sansone et al. and Pittori et al. Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over this combination, further in view of Allocca et al. Claims 2-8 and 10-14 were stated to be allowable if rewritten in independent form.

The above rejections are respectfully traversed for the reasons set forth below, and therefore claims 2-8 and 10-14 have been retained in dependent form at this time.

Despite the Examiner's statement that Ramsden discloses a method for processing postal matter, Applicants respectfully submit that, for the reasons that have been extensively discussed during earlier prosecution in connection with other references, the Ramsden reference has nothing whatsoever to do with shipping or transmitting *postal* items, and therefore has nothing whatsoever to do with subsequently *franking* the deposited items. The Ramsden reference, as explained in the Abstract thereof and at numerous locations throughout the reference, is exclusively directed to shipping items by a *commercial* carrier. A commercial carrier is not a governmental carrier, and although a commercial carrier requires the payment of a fee for its services, this fee is never referred to by a commercial carrier as "postage" and when a marking or label is applied to an item to be shipped by a commercial carrier, such marking or label is never referred to by a commercial carrier as a "franking." The terms "postage" and "franking" are reserved exclusively for shipping by an approved governmental entity, such as the USPS. Applicants provided dictionary definitions substantiating this meaning of the terms "postage" and

"franking" with their previous response, and this issue was extensively discussed in the interview on September 11, 2003. Nevertheless, the Examiner has continued to employ, as the primary reference, a reference that is exclusively devoted to teachings relating to shipping by commercial carriers. The Examiner has completely ignored all of the extensive and careful distinctions which have been made in the present claim language, and in the previous prosecution arguments, distinguishing shipping by commercial carriers from shipping by a governmental authority, which requires payment of "postage" and application of a "franking" to the postal item. The Examiner has not even bothered to explain why the Examiner characterizes the Ramsden reference as involving the processing of postal matter, despite any mention whatsoever of *postal* matter in the entirety of that reference.

The necessity for a governmental authority to apply a governmentally-approved "franking" to a postal item to be shipped presents problems which a commercial carrier does not face, which is one reason why the Ramsden reference, which is solely concerned with shipping by a commercial carrier, does not afford any guidance to a person of ordinary skill in the art seeking to design a method or an apparatus that are appropriate for applying a "franking" to a postal item. A deposit station (kiosk) of the type provided by a commercial carrier does not need to have any security against monetary theft built into it. Of course, it is necessary to provide security against packages being stolen from the kiosk, however, this is not the same as providing security against monetary theft. Security against monetary theft is not a factor at all in the construction of a kiosk for a commercial carrier, because a commercial carrier, unlike governmental shippers such as the USPS, has very flexible payment options, and does not require that a customer actually transfer

funds, or make arrangements for transferring funds, before the carrier will agree to ship an item. Most commercial carriers are willing to ship items received from customers without any immediate payment, and then render an invoice to the customer at the end of a particular billing period, such as at the end of each month.

This is in contrast to the requirements of USPS, which require that an actual payment be made for shipping an item before the USPS will even permit the item to enter into the USPS system. Such payment may be in the form of stamps or printing of a franking imprint using a postage meter, or by some type of pre-arranged credit, or by the use of a debit card, but it must be made, or arranged for, by the time the item is deposited into the USPS system. The option of making postage stamps available is not viable for a kiosk, since this would require elaborate security measures to be undertaken to prevent theft of the stamps from the kiosk. The same is true if a postage meter were physically located at the kiosk because a postage meter must contain electronically stored postage. The use of electronic payment, such as a credit card or a debit card, presents a problem that is not present in the context of a commercial carrier, namely that a governmentally approved franking imprint still must be generated, when the payment is electronically made. This again presents the problem of protecting a postage meter at the kiosk site.

A commercial carrier has no similar problems associated with providing a printer at the kiosk site, because the printer merely prints information for a shipping label, but does not print a franking image that actually has a monetary value associated therewith, as does a postage meter, thereby making the postage meter an attractive target for theft or tampering.

The method and apparatus disclosed and claimed in the present application solve this problem by allowing the customer to complete his or her transaction at a kiosk-like site, but only a marking is printed on the postal item at this site, even though the customer has either paid, or made arrangements for paying, for the postage, so that the postal item can enter into the postal system. Unlike a commercial carrier, however, there is still the necessary additional step of affixing or printing a franking to the postal item. This is accomplished in accordance with the present invention by removing the postal item from the kiosk-like site and transporting it to another location, which can easily be secured and is therefore not subject to the aforementioned theft problems, at which the franking is applied to the postal item.

The references relied upon by the Examiner do not provide any teachings toward such a solution.

First, Applicants submit that the teachings of the Ramsden reference, which are exclusively directed to shipping by commercial carriers, are incompatible with the teachings of the Sansone et al. system, which is for the purpose of mailing via a governmental authority, i.e., the USPS. Since the Ramsden reference is concerned solely with shipping by commercial carriers, the item is "ready to go" after it has been processed at the remote location disclosed in the Ramsden reference. It does not still require the additional step of franking the item, as is necessary in the context of governmental shipping.

The Sansone et al. reference, since it is directed to a USPS-compatible system, must follow the USPS requirements, and an item to be mailed cannot even enter the system unless and until payment, or arrangements for payment, have

already been made to ship the item. Therefore, combining the teachings of Ramsden and Sansone et al. does not even address the above-described problem, much less provide a solution.

The Pittori et al. reference does disclose a franking apparatus that, as the Examiner has noted, is used in a mailer environment or in the post office. Both of these environments are, or can be made, secure, as opposed to a stand alone kiosk-like environment, moreover, the Pittori et al. reference does not address the aforementioned problem, since the item to be mailed will be franked at the location of the franking apparatus. As noted above, this poses problems if the franking apparatus must be located in an unsecured environment.

The Lemelson reference does teach an apparatus that prints indicia on a package, which can include shipping information, including an indication of postage. This is meaningless for combination with the other references, however, because the Sansone et al. system already requires postage to be affixed to the item before it can enter into the system. The Sansone et al. reference does not provide any teaching to identify "raw" information that merely indicates a postage value, since this is contrary to the assumption on which the Sansone et al. system is based, namely that all items entering into the system will already be franked. It is true that the Sansone et al. reference discloses machine-readable addresses and the like, however, this has nothing to do with actually franking the postal item.

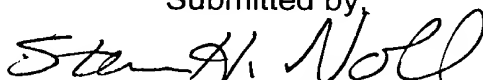
There is no teaching in any of the references relied upon by the Examiner to apply a non-governmentally approved marking on a *postal* item, and then to automatically read that marking in order to subsequently generate and affix a *franking* to the *postal* item.

Therefore, even if the references cited by the Examiner were combined in the manner proposed by the Examiner, a method and apparatus comparable to claims 1, 9, 15 or 16 still would not result. None of those claims, therefore, would have been obvious to a person of ordinary skill in the art based on the teachings of the references cited by the Examiner.

Adding the teachings of Allocca et al. to the aforementioned combination of Ramsden, Lemelson, Sansone et al. and Pittori et al. does not change the lacking teachings in that basic combination as discussed above, and therefore even if that combination were modified in accordance with the teachings of Allocca et al., the subject matter of claim 17 still would not result. Claim 17 therefore would not have been obvious from a combination of those references.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

Submitted by,



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